

## **Proposed Administrative Rule Language for 85 Octane in South Dakota**

### **Allowing Sale of 85 Octane Throughout South Dakota**

**20:01:09:01.01 Retail dispenser labeling.** All retail dispensing devices must identify conspicuously the type of product, the particular grade of the product, and the applicable automotive fuel rating. Sub-Regular grades, as defined in 20:15:06:01.01, shall conspicuously state that they are sub-regular grades, and shall include an additional conspicuous warning, which states: “Attention: This octane level may not meet minimum manufacturer specifications. Consult your owner’s manual before fueling.”

**General Authority:** SDCL 37-2-6 (3)

**Law Implemented:** SDCL 37-2-6 (3), 37-2-13

**20:01:10:03 Documentation.** When gasoline, gasoline-oxygenate blends, reformulated gasoline, M85 and M100 fuel methanol, E85 and E100 fuel ethanol, liquefied petroleum (LP) gases, compressed natural gas, liquefied natural gas, biodiesel, diesel fuel, kerosene, aviation gasoline, aviation turbine fuels, or fuel oils are sold, an invoice, bill of lading, shipping paper or other documentation must accompany each delivery other than a retail sale. This document must identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, and oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. Documentation must be retained at the retail establishment for a period of not less than 1 year.

**General Authority:** SDCL 37-2-6 (2)

**Law Implemented:** SDCL 37-2-6 (2), 37-2-19, 37-2-21

**20:01:10:04 Duties of refiners, importers, and producers.** A refiner, importer, or producer of automotive fuel must comply with the automotive fuel rating, certification, and record-keeping requirements of Code of Federal Regulations, title 16, sections 306.5 to 306.7, as amended April 8, 2011.

**General Authority:** SDCL 37-2-6 (2)

**Law Implemented:** SDCL 37-2-6 (2), 37-2-13, 37-2-21

**Source:** 44 FR 19169, March 30, 1979; 58 FR 41372, August 3, 1993; 76 FR 19690, April 8, 2011.

**20:01:10:05 Duties of distributors.** A licensed distributor of automotive fuel must comply with the certification and record-keeping provisions of Code of Federal Regulations, title 16, sections 306.8 and 306.9, as amended April 8, 2011.

**General Authority:** SDCL 37-2-6 (2)

**Law Implemented:** SDCL 37-2-6 (2), 37-2-13, 37-2-21

**Source:** 44 FR 19169, March 30, 1979; 58 FR 41372, August 3, 1993; 76 FR 19690, April 8, 2011.

**20:01:10:06 Duties of retailers.** A person responsible for the product who sells or transfers automotive fuel to a consumer must comply with the automotive fuel rating posting and record-keeping requirements, and the label specifications of Code of Federal Regulations, title 16, sections 306.10 to 306.12, as amended April 8, 2011.

**General Authority:** SDCL 37-2-6 (2)

**Law Implemented:** SDCL 37-2-6 (2), 37-2-13, 37-2-21

**Source:** 44 FR 19169, March 30, 1979; 58 FR 41372, August 3, 1993; 76 FR 19690, April 8, 2011.

**20:15:06:01.01 Minimum octane rating.** Notwithstanding the adoption of ASTM D4814 and the adoption of NIST Handbook 130, 2005 in § 20:01:02:03, the minimum (R+M)/2 octane rating of automotive gasoline grades and gasoline/oxygenate blended grades in the State of South Dakota shall be no less than the following:

1. Sub-Regular Unleaded 85;
2. Sub-Regular Unleaded 86;
3. Regular Unleaded 87;
4. Midgrade, Plus Unleaded 89; and
5. Premium, Super, Supreme, High Test Unleaded 91

**General Authority:** SDCL 37-2-6 (4)

**Law Implemented:** SDCL 37-2-6 (4)